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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CASLER, TRACI

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/961,181

Applicant(s)

IKEDA ET AL.

Examiner

Traci L. Casler

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to papers filed on January 26, 2007.

Claims 1-11 are pending.

Claims 1-11 are rejected.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims "assigning correspondences" for customer information, dialogue content etc. However, the examiner is unable to determine what the applicant deems correspondence. The disclosure merely mimics the claim language of "assigning correspondences" but fails to identify what a correspondence is and is it the same correspondence for all contents and information.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4, and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6381744; Automated Survey Kiosk; Nanos et al. Hereinafter referred to as Nanos.

4. As to claims 1-2 and 9-11 Nanos teaches.

storing dialogue scenarios; **(C. 4 I. 52-55) storing said survey for administration)**

assigning correspondences between the dialogue scenarios and destination addresses;

extracting from the dialogue scenarios a dialogue scenario to be performed; **(C. 4 I. 55 sequentially displaying each inquiry in the survey)**

holding a dialogue with a customer following the dialogue scenario; **(C. 4 I. 49 administering the survey)**

acquiring dialogue content from the dialogue; **(C. 4 I. 56 means for receiving survey responses)**

transmitting the dialogue content to the destination addresses corresponding to the dialogue scenario; **(C. means for transmitting surveys to remote locations; C. 7 I. 60-63 reports sent to third parties)**

storing the dialogue content received at the destination addresses; and

outputting the dialogue content at the destination addresses corresponding to the dialogue scenario. **(C. 7 I. 34-35 warehousing and transferring feedback to the clients).**

5. As to claims 3-4 Nanos teaches storing specific customer information assigned to dialogue content(C. 10 I. 46-54).
6. As to claim 8 Nanos teaches presenting the user with a coupon upon completion of the survey(C. 10 I. 40-43).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6381744; Automated Survey Kiosk; Nanos et al as applied to claims 1-4 and 8-11 above, and further in view of US Patent Publication 20020128898 Dynamically Assigning a survey to a respondent; Smith, JR et al. Hereinafter referred to as Smith.

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10. As to claims 5-6 Nanos teaches a system and method of performing consumer surveys(dialogue scenarios) and identifying the merchant or company requesting the survey results. Nanos fails to teach assigning a merchandise identifier with the destination address(company or merchant) and transmitting the content based on the merchandise ID. However, Smith teaches system and method for performing consumer surveys that captures survey results with a unique storage unit and identification that is used storing and transmitting the survey to the appropriate survey storage unit. (Pg. 6 ¶ 117 and the client is able to assign an identification to the survey to maintain consistently when multiple surveys are created. It would have been obvious to one of ordinary skill in the art at the time of invention to combine Smith with Nanos as a way for merchants/companies to specify what product or survey information they are requesting.

11. As to claim 7 Nanos fails to teach billing the destination address(company) for the dialogue content(survey results). However, Smith teaches calculating (determining) the cost for the survey and provided to the client.(Pg. 7 ¶ 113). It would have been obvious to one skilled in the art to combine Smith with Nanos as in any business arena when a service is provided to a company there is a fee or a charge.

Response to Arguments

12. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

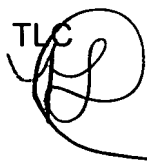
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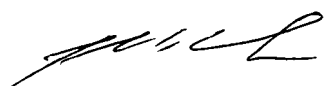
13. Applicant is additionally put on notice that this reply filed on January 26, 2007 is not fully responsive because it fails to include a complete or accurate record of the substance of the January 23, 2007 interview. Applicant is required to make of record the substance of an applicant initiated interview. See MPEP 713.04

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC



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